

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE
 in its capacity as elected Office

Date of mailing (day/month/year) 04 July 2001 (04.07.01)	
International application No. PCT/US99/23781	Applicant's or agent's file reference 604.10-PCT
International filing date (day/month/year) 12 October 1999 (12.10.99)	Priority date (day/month/year)
Applicant HERRING, Sergio et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

17 August 2000 (17.08.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer H. Zhou Telephone No.: (41-22) 338.83.38
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IN THE UNITED STATES INTERNATIONAL PRELIMINARY
EXAMINATION AUTHORITY (IPEA/US)

International Application Number	International Filing Date	International Earliest Priority Date
PCT/US99/23781	12 October 1999	None

Title of Invention: **Individualized Electronic Commercials**
Applicant: **eCommercial.com, Inc.**

International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20
Switzerland

LETTER FOR PCT ARTICLE 19 AMENDMENT OF CLAIMS
(PCT SECTION 205)

1. Applicant herewith submits replacement sheets(s) number(ed) 14 - 15 to replace sheet(s) number(ed) 14 - 15, originally filed for this application.
2. In respect of each claim appearing in the international application based on the replacement sheets submitted herewith, and in accordance with PCT Section 205, the following claim(s) is/are:
 - (i) unchanged: claim(s): 2-4, 6-8, 10
 - (ii) cancelled: claim(s): none
 - (iii) new: claim(s): none
 - (iv) replacement of one or more claims as filed, as follows: 1, 5, 9, 11-17
 - (v) the result of the division of one or more claims as filed, as follows: none

Dear Sir:

This letter responds to the Search Report dated 13 January 2000.

Substitute Claim Sheets

Please substitute the attached substitute claim sheets numbered 14 & 15 for the previously filed claim sheets numbered 14 & 15. Claim 1 is amended to recite that (a) the individualized commercials are created subsequent to selecting the prospects, (b) each of at least some of the targeted prospects receive an individualized commercial, (c) the individualized commercials are created rather than merely being produced, and (d) the

targeted prospect for the campaign are selected at least in part based upon a marketing characteristic. Claims 5 and 9 are amended to improve clarity. Claims 11-17 are amended to recite "creation" and "creating" rather than "production" and "producing".

Cited References

The Office indicated that all claims are anticipated by Angles et al. (US 5933811), Robinson (5918014) or Dedrick (5717923). The applicant disagrees with that assessment for the reasons set forth immediately below, especially as the claims have been amended herein.

Angles et al.

The Angles et al. abstract teaches that "upon receiving the advertising request, the advertising computer generates a custom advertisement based upon the consumer's profile." Other supporting language in the specification proper is similar. In the Summary of the Invention section, Angles et al. state that his system provides "an on-line advertising service which can customer tailor specific advertisements to particular consumers and track consumer responses to the advertisements" (Spec. col. 2, lines 45 - 49). The term "customized advertisements" is also employed at spec. col. 3, lines 14, 18-19, again at col. 13, line 49, and elsewhere throughout the specification.

While this may sound somewhat similar to the subject matter of the pending claims if the exact language is taken out of context, there are huge differences once the entire specification is considered. Careful reading of the specification reveals that Angles et al. interpret the term "custom advertisement" to mean custom selection of a pre-existing advertisement, rather than in the custom creation of new advertisements as presently claimed.

Basically, Angles et al. teach an advertising computer 18 using "a consumer profile to select an appropriate advertisement from the advertisement database 70". (spec. col. 15, beginning line 22). That advertisement is then stored on the consumer's own computer 12 in a storage area described as the advertising storage medium 44 (col. 11, line 66 to col. 12, lines 11). The advertising computer 18 then directs the consumer's computer 12 to fetch a web page from a content provider computer 14, to add one of the advertisements previously stored on the consumer's computer as an insert, and then display the web page with advertising insert to the consumer (spec. col. 12, lines 41-60).

It is thus the web page that is being customized adding a canned advertisement, not customization of the advertisement itself. Even where Angles et al. refer to the insert containing a customized advertisement (spec. col. 12, line 57), that advertisement is only customized to the extent that it has been selected from a group of preexisting advertisements. To use Angles et al.'s own words, "[t]he advertising module 62 uses the consumer member code 22 to obtain a consumer member profile from the registration database 68. . . . the advertising module then uses the consumer profile to select an appropriate advertisement from the advertisement database 70." (Spec, col. 15, lines 20-25, emphasis

added). In short, Angle's entire customization process as far as advertisements are concerned is selection of pre-existing advertisements, not creation of new advertisements.

Since this distinction may not have been claimed as clearly as possible in the originally filed claims, claim 1 (and all other claims by virtue of their dependency on claim 1) are amended herein to recite that the individualized commercials are created subsequent to selecting the prospects. To further clarify matters, additional modifications are made to recite that (a) each of at least some of the targeted prospects receive an individualized commercial, and (b) that the individualized commercials are created rather than merely being produced.

Claim 1 is thus amended as follows:

1. A method of conducting an advertising campaign, comprising:
selecting a plurality of targeted prospects for the campaign;
identifying a marketing characteristic for at least some of the targeted prospects;
defining a group of components to be included in the campaign, for which there are at least two alternatives;
subsequently creating a new individualized commercial for each of the at least some of the plurality of targeted prospects [producing a number of individualized commercials] by automatically assembling at least one of the alternatives for each of the components in the group based at least in part upon on the marketing characteristic; and
electronically transmitting at least one of the individualized commercials to a recipient having the marketing characteristic upon which the commercial being transmitted was based.

There are several other limitations recited in the dependent claims that are not satisfied by Angles et al. Claim 2 recites that at least some of the commercials are transmitted as executable files. There is no teaching, suggestion or motivation in Angles et al. to use executable files. Angles et al. contemplate using the advertisements as inserts in web pages, which means that they are executed by the web browser rather than being executable files themselves.

Claim 3 recites authentication of the executable files. Not only does Angles et al. fail to teach transmitting the advertisements as executable files, but there is no teaching, suggestion or motivation in Angles et al. to authenticate the files.

Claim 5 (as amended) recites creating the individualized commercials using a marketing characteristic obtained from information provided in response to a previous electronic commercial. There is no teaching, suggestion or motivation in Angles et al. to use a marketing characteristic obtained from a response to a previous commercial. Angles et al. contemplate that information obtained about the consumer is inputted through a registration form (spec., col. 16, beginning line 57). There is no indication that the registration form is completed in response to a previous commercial, let alone a previous individualized commercial.

Claims 6, 7, 8, and 16 recite inclusion of a video clip in an individualized commercial. There is no teaching, suggestion or motivation in Angles et al. to use video clips in the advertisement, as opposed to a web page that displays the advertisement as an insert.

Claim 10 recites that the commercial is transmitted as using Internet e-mail. There is no teaching, suggestion or motivation in Angles et al. to send the commercial via e-mail, and in fact Angles et al. would much more likely transmit their contemplated advertisements using some other media because they are loaded from the advertiser's computer onto the consumer's computer in background mode.

Claims 11, 12, and 16 (as amended) recite transmitting of at least 10% of the commercials occurs within 24, 2, and 24 hours of their creation, respectively. These limitations are completely contrary to Angles, et al., that teach selecting and transmitting pre-formed advertisements to the consumers. Since the advertisements are intended to be included as inserts in web pages of content providers, it is extremely likely that the advertisements would be prepared weeks or even months in advance so that the content provider's could approve or disapprove of having their content being used in conjunction with the advertisements. There is no teaching, suggestion or motivation for the claimed time limits.

Claims 14, 15, and 17 (as amended) recite creating an average of at least one of the individualized commercials for every 50, 10, and 500 of the targeted prospects, respectively. These limitations are also completely contrary to Angles, et al., that teach selecting and transmitting pre-formed advertisements to the consumers. Since the advertisements are intended to be included as inserts in web pages of content providers, it is extremely likely that there would be only a relatively limited number of advertisements so that the content provider's could approve or disapprove of having their content being used in conjunction with the various advertisements.

Robinson

Robinson teaches systems for determining which of many pre-existing advertisements to select and send to which recipients, based upon classification of each recipient into a "community" of others having similar preferences with respect to non-advertising "content". (Spec., col. 1, line 66 - col. 2, line 3). Different recipients do indeed get different advertisements, but those advertisements are not created individually for the various recipients as presently claimed.

Here again there is no anticipation because the reference teaches custom selection of pre-existing advertisements, not creation of new advertisements following identification of a target population that is to receive the advertisements. Even Robinson claim 1 recites that the advertisements are merely selected from a pre-existing group ("means for determining which of the one or more advertisements to show the subject based on characteristics of the subject's community").

Other citations demonstrating this distinction abound. For example, in the Summary of the Invention section Robinson teaches sending out a new ad "randomly or on a fixed schedule to a certain number of users" to obtain information on the kinds of advertisements those users want to see. Such ads are definitely not individualized to recipients because the same ad is sent out indiscriminately to the entire group. Robinson also teaches that "[a] number of factors can be used by the software in determining which ads to show." Use of the term "which ads" necessitates there being pre-existing ads, rather than creating new ads for individual recipients as presently claimed. As another example, Robinson teaches rotating a recipient through a series of advertisements (spec., col. 4, lines 55-67). The fact that there is a series of ads to be rotated through implies that the ads are not individualized to specific recipients. Still further, advertisers are given an opportunity to select which ads would be displayed with which content - which again through implies that the ads are pre-existing, and not individualized to specific recipients. (spec., col. 5, line 27-42).

There are several other limitations recited in the dependent claims that are not satisfied by Angles et al. Claim 2 recites that at least some of the commercials are transmitted as executable files. There is no teaching, suggestion or motivation in Angles et al. to use executable files. Angles et al. contemplate using the advertisements as inserts in web pages, which means that they are executed by the web browser rather than being executable files themselves.

Robinson is no better at anticipating the dependent claims than Angles et al. With respect to claim 3, or example, Robinson fails to teach transmitting of advertisements as executable files, and there is no teaching, suggestion or motivation in Robinson to authenticate the files. The entire discussion assumes that the user is viewing content (and indeed the advertising) with a web browser. The Smart Ad Box described at Spec., col. 4, beginning at line 38, is very much assuming that the user is accessing advertising through a web site, which assumes the use of a web browser. There is certainly no teaching, suggestion or motivation to download advertising to the user in the form of an executable file.

With respect to claim 5 (as amended), Robinson fails to teach using a marketing characteristic obtained from a response to a previous commercial, let alone a previous individualized commercial.

With respect to claims 6, 7, 8, and 16, Robinson fails to teach, suggest or motivate one to use video clips in the advertisement, as opposed to a web page that displays the advertisement as an insert.

With respect to claim 10, Robinson fails to teach, suggest or motivate one to use e-mail to transmit commercials. Robinson teaches the contrary, placing of advertisements in web pages referred to as Smart Ad Boxes (spec., col. 4, beginning line 7).

With respect to claims 11, 12, and 16 (as amended), Robinson fails to teach, suggest or motivate one to transmit commercials within a specified time of their creation. Moreover, Robinson is similar to Angles et al. in teaching that content providers would have decision making control over advertisements used in conjunction with their content.

That teaching only makes sense if the advertisements are produced weeks or months before their use, not hours or days as claimed.

The same applies to claims 14,15, and 17 (as amended). Robinson fails to teach, suggest or motivate one to create individualized commercials at all - instead opting to custom select advertisements from a storehouse of previously designed commercials.

Dedrick

Dedrick teaches "dynamically customizing electronic information" using a content adapter that relies upon information in a personal profile database. Here again, the language may sound somewhat similar to the presently claimed subject matter, but only if it is taken out of context.

For one thing, Dedrick contemplates that a client system (i.e., the computer of a consumer or recipient) stores both the personal profile database and a content adapter. When generic advertisements are transmitted to the client system, the content adapter modifies the advertisements and presents them to the client. That teaching runs directly contrary to the presently claimed subject matter because it pre-supposes transmission of generic, unmodified advertisements. The pending claims all require transmission of individualized commercials to a recipient, not generic advertisements that are subsequently individualized.

In addition, Dedrick contemplates that the consumer will himself order the advertisement, rather than the consumer being the target of an advertising campaign.

Still further, Dedrick contemplates that the advertisement is modified according to a consumer preference, as opposed to a marketing characteristic as presently claimed. Thus, Dedrick contemplates that the consumer's content adapter would modify a generic advertisement to display a preferred color scheme, or perhaps to use text rather than audio. (Spec., col. 4, lines 44-65). That sort of preference is different from a marketing characteristic such as gender, age, income level, and so forth as set forth in the pending specification. (eCommercial spec, page 6, lines 1-5).

The differences between Dedrick and the presently claimed subject matter are are not merely design choices. Dedrick purposely locates the personal profile database at the client side (consumer's computer) because he is concerned about privacy of any personal information (see e.g., spec. at col. 1, lines 51-58). In preferred embodiments the user even gets to modify his profile, which is generally not true of profiles held by advertisers. Dedrick also locates the content adapter at the client side, (see figures), presumably because that makes distribution of the advertisements relatively easy.

Turning to the dependent claims, we again see that the various additional limitations are not satisfied by the reference. Dedrick is completely silent on the idea of transmitting commercials as [stand-alone] executable files (claim 2), let alone authenticated files (claim 3). As discussed above Dedrick does not rely on marketing characteristic selected from the group consisting of age, sex, and income (claim 4), nor is there any reason to interpret Dedrick as contemplating that the marketing characteristic includes data obtained from

information provided in response to a previous electronic commercial. Dedrick is silent on the use of use video clips in the advertisements as opposed to web pages containing the advertisements (claims 6, 7, 8, 16), using e-mail to transmit the commercials (claim 10), transmitting commercials within a specified time of their creation (claims 11, 12, 16), or using a specified minimum percentage of individualized commercials in a campaign (claims 14, 15, 17).

Conclusion

None of the references anticipate or render the presently filed claims obvious. Angles et al. and Robinson, by themselves or in combination have anything at all to do with individualizing commercials, but instead teach selecting pre-existing commercials according to one or another schemes. Dedrick teaches customizing advertisements, but only at the client side so that the customized advertisements are never transmitted to a recipient as part of an advertising campaign. Neither are there any teachings, suggestions, or motivations relating to most of the various limitations in the dependent claims, including transmitting commercials as [stand-alone] executable files, authentication of commercials, use video clips in the advertisements as opposed to web pages containing the advertisements, using e-mail to transmit the commercials, transmitting commercials within a specified time of their creation, or using a specified minimum percentage of individualized commercials in a campaign.

Request for Conference

The present application is of the greatest personal importance to the applicant. If after considering the above arguments and the claim modifications the Authorized Officer still considers the claims to be unpatentable over the prior art, the undersigned would appreciate the opportunity to discuss this matter directly. This could be accomplished by telephone, or if the Authorized Officer finds it appropriate, the undersigned would be pleased to come to Washington to discuss the same, and perhaps develop claims that would be considered allowable.

Respectfully submitted,
Fish & Associates, LLP

Dated: 6/3/00

By Robert D. Fish
Robert D. Fish
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

14
REC'D 30 OCT 2001

WIPO

PCT

Applicant's or agent's file reference 604.10-PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US99/23781	International filing date (day/month/year) 12 OCTOBER 1999	Priority date (day/month/year) NONE
International Patent Classification (IPC) or national classification and IPC IPC(7): G06F 17/30; G06F 17/60 and US Cl.: 705/14, 27		
Applicant MINDARROW SYSTEM, INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 17 AUGUST 2000	Date of completion of this report 29 SEPTEMBER 2001
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer VINCENT MILLIN <i>Peggy Hamad</i>
Facsimile No. (703) 305-3230	Telephone No. (703) 308-1065

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/23781

I. Basis of the report**1. With regard to the elements of the international application: ***☐ the international application as originally filed☒ the description:

pages _____ (See Attached)

, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☒ the claims:

pages _____ (See Attached)

, as originally filed

pages _____, as amended (together with any statement) under Article 19

pages _____, filed with the demand

pages _____, filed with the letter of _____

☒ the drawings:

pages _____ (See Attached)

, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☒ the sequence listing part of the description:

pages _____ (See Attached)

, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**☐ contained in the international application in printed form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.**4. ☒ The amendments have resulted in the cancellation of:**☒ the description, pages _____ NONE☒ the claims, Nos. _____ NONE☒ the drawings, sheets/fig _____ NONE**5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).****

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/23781

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. statement

Novelty (N)	Claims <u>1-17</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>1-17</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>1-17</u>	YES
	Claims <u>NONE</u>	NO

2. citations and explanations (Rule 70.7)

Claims 1-17 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest a method for conducting an advertising campaign, comprising the steps of subsequently creating a new individualized commercial for each of the at least some of a plurality of targeted prospects by automatically assembling at least one of the alternatives for each of the components in the group based at least in part on the marketing characteristic, and electronically transmitting at least one of the individualized commercials to a recipient having the marketing characteristic upon which the commercial being transmitted was based.

----- NEW CITATIONS -----

NONE

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/23781

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

I. BASIS OF REPORT:

This report has been drawn on the basis of the description,
page(s) 1-13, as originally filed.
page(s) NONE, filed with the demand.
and additional amendments:
NONE

This report has been drawn on the basis of the claims,
page(s) NONE, as originally filed.
page(s) NONE, as amended under Article 19.
page(s) 14-15, filed with the demand.
and additional amendments:
NONE

This report has been drawn on the basis of the drawings,
page(s) 1, as originally filed.
page(s) NONE, filed with the demand.
and additional amendments:
NONE

This report has been drawn on the basis of the sequence listing part of the description:
page(s) NONE, as originally filed.
pages(s) NONE, filed with the demand.
and additional amendments:
NONE

IPEA/US 17 AUG 2000

CLAIMS

What is claimed is:

1. A method of conducting an advertising campaign, comprising:
selecting a plurality of targeted prospects for the campaign;
identifying a marketing characteristic for at least some of the targeted prospects;
defining a group of components to be included in the campaign, for which there are at least two alternatives;
subsequently creating a new individualized commercial for each of the at least some of the plurality of targeted prospects by automatically assembling at least one of the alternatives for each of the components in the group based at least in part upon on the marketing characteristic; and
electronically transmitting at least one of the individualized commercials to a recipient having the marketing characteristic upon which the commercial being transmitted was based.
2. The method of claim 1 wherein the step of electronically transmitting comprises transmitting at least some of the commercials as executable files.
3. The method of claim 2 wherein at least some of the executable files are authenticated.
4. The method of claim 2 wherein the marketing characteristic is selected from the group consisting of age, sex, and income.
5. The method of claim 2 wherein the marketing characteristic includes data obtained from information provided in response to a previous individualized electronic commercial.
6. The method of claim 2 wherein the group of components includes at least three visual components and at least one audio component.
7. The method of claim 2 wherein at least one of the components comprises a video clip and at least another of the components comprises an audio clip.
8. The method of claim 2 wherein at least one of the components comprises a video clip and at least another of the components comprises an audio clip, and at least a third component comprises a branding graphic distinct from both the video clip and the audio clip.

IPEA/US 17 AUG 2000

9. The method of claim 2 wherein a variability in the group of components comprises a language employed on an audio clip.
10. The method of claim 2 wherein the step of electronically transmitting comprises sending an e-mail through the Internet.
11. The method of claim 2 wherein transmitting of at least 10% of the commercials occurs within 24 hours of their creation.
12. The method of claim 2 wherein transmitting of at least 10% of the commercials occurs within 2 hours of their creation.
13. The method of claim 2 wherein the step of creating comprises producing an average of at least one of the individualized commercials for every 500 of the targeted prospects.
14. The method of claim 2 wherein the step of creating comprises producing an average of at least one of the individualized commercials for every 50 of the targeted prospects.
15. The method of claim 2 wherein the step of creating comprises producing an average of at least one of the individualized commercials for every 10 of the targeted prospects.
16. The method of claim 2 wherein the marketing characteristics include age, sex, and income, and at least one of the components is a video clip and at least another of the components is an audio clip, and transmitting of at least 10% of the commercials occurs within 24 hours of their creation.
17. The method of claim 15 wherein the step of producing comprises creating an average of at least one of the individualized commercials for every 500 of the targeted prospects.

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COPY

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PCT REQUEST

604.10-PCT

Original (for SUBMISSION) - printed on 12.10.1999 03:54:13 PM

0	For receiving Office use only	
0-1	International Application No.	
0-2	International Filing Date	
0-3	Name of receiving Office and "PCT International Application"	
0-4 0-4-1	Form - PCT/RO/101 PCT Request Prepared using	PCT-EASY Version 2.84 (updated 01.07.1999)
0-5	Petition The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty	
0-6	Receiving Office (specified by the applicant)	United States Patent and Trademark Office (USPTO) (RO/US)
0-7	Applicant's or agent's file reference	604.10-PCT
I	Title of invention	INDIVIDUALIZED ELECTRONIC COMMERCIALS
II	Applicant	
II-1	This person is:	applicant only
II-2	Applicant for	all designated States except US
II-4	Name	ECOMMERCIAL.COM, INC.
II-5	Address:	95 Enterprise Suite 360 Aliso Viejo, CA 92656 United States of America
II-6	State of nationality	US
II-7	State of residence	US
II-8	Telephone No.	949-916-8705
II-9	Facsimile No.	949-916-8713
III-1	Applicant and/or inventor	
III-1-1	This person is:	applicant and inventor
III-1-2	Applicant for	US only
III-1-4	Name (LAST, First)	MCEWAN, Rick
III-1-5	Address:	eCommercial.com, Inc. 95 Enterprise Suite 360 Aliso Viejo, CA 92656 United States of America
III-1-6	State of nationality	US
III-1-7	State of residence	US

PCT REQUEST

604.10-PCT

Original (for SUBMISSION) - printed on 12.10.1999 03:54:13 PM

III-2	Applicant and/or inventor	
III-2-1	This person is:	applicant and inventor
III-2-2	Applicant for	US only
III-2-4	Name (LAST, First)	HERRING, Sergio
III-2-5	Address:	eCommercial.com, Inc. 95 Enterprise Suite 360 Aliso Viejo, CA 92656 United States of America
III-2-6	State of nationality	US
III-2-7	State of residence	US
IV-1	Agent or common representative; or address for correspondence The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:	agent
IV-1-1	Name (LAST, First)	FISH, Robert
IV-1-2	Address:	Crockett & Fish 1440 N. Harbor Blvd. Suite 706 Fullerton, CA 92835 United States of America
IV-1-3	Telephone No.	714-449-2337
IV-1-4	Facsimile No.	714-449-2339
IV-1-5	e-mail	rdfish@crockett-fish.com
V	Designation of States	
V-1	Regional Patent (other kinds of protection or treatment, if any, are specified between parentheses after the designation(s) concerned)	AP: GH GM KE LS MW SD SL SZ UG ZW and any other State which is a Contracting State of the Harare Protocol and of the PCT EA: AM AZ BY KG KZ MD RU TJ TM and any other State which is a Contracting State of the Eurasian Patent Convention and of the PCT EP: AT BE CH&LI CY DE DK ES FI FR GB GR IE IT LU MC NL PT SE and any other State which is a Contracting State of the European Patent Convention and of the PCT OA: BF BJ CF CG CI CM GA GN GW ML MR NE SN TD TG and any other State which is a member State of OAPI and a Contracting State of the PCT

PCT REQUEST

604.10-PCT


Original (for SUBMISSION) - printed on 12.10.1999 03:54:13 PM

V-2	National Patent (other kinds of protection or treatment, if any, are specified between parentheses after the designation(s) concerned)	AE AL AM AT (patent and utility model) AU AZ BA BB BG BR BY CA CH&LI CN CR CU CZ (patent and utility model) DE (patent and utility model) DK (patent and utility model) DM EE (patent and utility model) ES FI (patent and utility model) GB GD GE GH GM HR HU ID IL IN IS JP KE KG KP KR KZ LC LK LR LS LT LU LV MD MG MK MN MW MX NO NZ PL PT RO RU SD SE SG SI SK (patent and utility model) SL TJ TM TR TT TZ UA UG US UZ VN YU ZA ZW	
V-5	Precautionary Designation Statement In addition to the designations made under items V-1, V-2 and V-3, the applicant also makes under Rule 4.9(b) all designations which would be permitted under the PCT except any designation(s) of the State(s) indicated under item V-6 below. The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit.		
V-6	Exclusion(s) from precautionary designations	NONE	
VI	Priority claim	NONE	
VII-1	International Searching Authority Chosen	United States Patent and Trademark Office (USPTO) (ISA/US)	
VIII	Check list	number of sheets	electronic file(s) attached
VIII-1	Request	4	-
VIII-2	Description	13	-
VIII-3	Claims	2	-
VIII-4	Abstract	1	abstract.txt
VIII-5	Drawings	1	-
VIII-7	TOTAL	21	
	Accompanying items	paper document(s) attached	electronic file(s) attached
VIII-8	Fee calculation sheet	✓	-
VIII-16	PCT-EASY diskette	-	diskette
VIII-17	Other (specified):	Return Receipt Postcard	-
VIII-18	Figure of the drawings which should accompany the abstract	1	
VIII-19	Language of filing of the international application	English	

PCT REQUEST

604.10-PCT

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IX-1	Signature of applicant or agent	
IX-1-1	Name (LAST, First)	FISH, Robert

FOR RECEIVING OFFICE USE ONLY

10-1	Date of actual receipt of the purported international application	
10-2	Drawings:	
10-2-1	Received	
10-2-2	Not received	
10-3	Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application	
10-4	Date of timely receipt of the required corrections under PCT Article 11(2)	
10-5	International Searching Authority	ISA/US
10-6	Transmittal of search copy delayed until search fee is paid	

FOR INTERNATIONAL BUREAU USE ONLY

11-1	Date of receipt of the record copy by the International Bureau	
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PCT (ANNEX - FEE CALCULATION SHEET)

604.10-PCT

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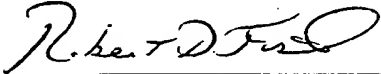
(This sheet is not part of and does not count as a sheet of the international application)

0	For receiving Office use only		
0-1	International Application No.		
0-2	Date stamp of the receiving Office		
0-4	Form - PCT/RO/101 (Annex)		
0-4-1	PCT Fee Calculation Sheet Prepared using	PCT-EASY Version 2.84 (updated 01.07.1999)	
0-9	Applicant's or agent's file reference	604.10-PCT	
2	Applicant	ECOMMERCIAL.COM, INC., et al.	
12	Calculation of prescribed fees	fee amount/multiplier	total amounts (USD)
12-1	Transmittal fee T	⇒	240
12-2	Search fee S	⇒	700
12-3	International fee		
	Basic fee (first 30 sheets) b1	455	
12-4	Remaining sheets	0	
12-5	Additional amount (X)	10	
12-6	Total additional amount b2	0	
12-7	b1 + b2 = B	455	
12-8	Designation fees		
	Number of designations contained in international application	82	
12-9	Number of designation fees payable (maximum 10)	10	
12-10	Amount of designation fee (X)	105	
12-11	Total designation fees D	1,050	
12-12	PCT-EASY fee reduction R	-140	
12-13	Total International fee (B+D-R) I	⇒	1,365
12-17	TOTAL FEES PAYABLE (T+S+I+P)	⇒	2,305
12-19	Mode of payment	cheque	
12-20	Deposit account instructions		
	The receiving Office:	United States Patent and Trademark Office (USPTO) (RO/US)	
12-20-2	is hereby authorized to charge any deficiency or credit any over-payment in the total fees indicated above to my deposit account	✓ Robert D. Fied	
12-20-3	is hereby authorized to charge the fee for preparation and transmittal of the priority document to the International Bureau of WIPO to my deposit account	✓ Robert D. Fied	
12-21	Deposit account No.	500341	
12-22	Date	12 October 1999 (12.10.1999)	

PCT (ANNEX - FEE CALCULATION SHEET)

604.10-PCT

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12-23	Name and signature	FISH, Robert 
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VALIDATION LOG AND REMARKS

13-2-4	Validation messages Priority	Green? No priority of an earlier application has been claimed. Please verify
13-2-6	Validation messages Contents	Yellow! The power of attorney or a copy of the general power of attorney will need to be furnished unless all applicants sign the request form.
13-2-7	Validation messages Fees	Green? Please confirm that fee schedule utilized is the latest available

AMENDED CLAIMS

[received by the International Bureau on 09 March 2000 (09.03.00)
original claims 1, 5, 9 and 11-17 amended; remaining claims unchanged (2 pages)]

1. A method of conducting an advertising campaign, comprising:
selecting a plurality of targeted prospects for the campaign;
identifying a marketing characteristic for at least some of the targeted prospects;
defining a group of components to be included in the campaign, for which there are at
least two alternatives;
producing a number of individualized commercials by automatically assembling at
least one of the alternatives for each of the components in the group based at
least in part upon on the marketing characteristic;
electronically transmitting at least one of the commercials to a recipient having the
marketing characteristic upon which the commercial being transmitted was
based.
2. The method of claim 1 wherein the step of electronically transmitting comprises
transmitting at least some of the commercials as executable files.
3. The method of claim 2 wherein at least some of the executable files are authenticated.
4. The method of claim 2 wherein the marketing characteristic is selected from the group
consisting of age, sex, and income.
5. The method of claim 2 wherein the marketing characteristic includes data obtained
from information provided in response to a previous electronic commercial.
6. The method of claim 2 wherein the group of components includes at least three visual
components and at least one audio component.
7. The method of claim 2 wherein at least one of the components comprises a video clip
and at least another of the components comprises an audio clip.

8. The method of claim 2 wherein at least one of the components comprises a video clip and at least another of the components comprises an audio clip, and at least a third component comprises a branding graphic distinct from both the video clip and the audio clip.
9. The method of claim 2 wherein the variable component comprises a language employed on an audio clip.
10. The method of claim 2 wherein the step of electronically transmitting comprises sending an e-mail through the Internet.
11. The method of claim 2 wherein transmitting of at least 10% of the commercials occurs within 24 hours of their production.
12. The method of claim 2 wherein transmitting of at least 10% of the commercials occurs within 2 hours of their production.
13. The method of claim 2 wherein the step of producing comprises producing an average of at least one of the individualized commercials for every 500 of the targeted prospects.
14. The method of claim 2 wherein the step of producing comprises producing an average of at least one of the individualized commercials for every 50 of the targeted prospects.
15. The method of claim 2 wherein the step of producing comprises producing an average of at least one of the individualized commercials for every 10 of the targeted prospects.
16. The method of claim 2 wherein the marketing characteristics include age, sex, and income, and at least one of the components is a video clip and at least another of the components is an audio clip, and transmitting of at least 10% of the commercials occurs within 24 hours of their production.
17. The method of claim 15 wherein the step of producing comprises producing an average of at least one of the individualized commercials for every 500 of the targeted prospects.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US99/23781

A. CLASSIFICATION OF SUBJECT MATTER

IPC(6) : G06F 17/30; G06F 17/60
US CL : 705/14, 27

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 705/14, 27

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
NONE

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
WEST

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5,933,811 A (ANGLES et al) 03 August 1999, col. 2, line 45 thru col. 4, line 47, and col. 12, line 27 thru col. 14, line 26.	1-16
X	US 5,918,014 A (ROBINSON) 29 June 1999, col. 1, line 65 thru col. 3, line 46, and col. 15, line 62 thru col. 16, line 67.	1-16
X	US 5,717,923 A (DEDRICK) 10 February 1998, col. 2, lines 1-24, and col. 4, line 43 thru col. 6, line 63.	1-16
A	US 5,661,516 A (CARLES) 26 August 1997, entire document.	1-16
A	US 5,446,919 A (WILKINS) 29 August 1995, entire document.	1-16

☒ Further documents are listed in the continuation of Box C. ☐ See patent family annex.

* Special categories of cited documents:	*T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
A document defining the general state of the art which is not considered to be of particular relevance	*X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
E earlier document published on or after the international filing date	*Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	*Z* document member of the same patent family
O document referring to an oral disclosure, use, exhibition or other means	
P document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

30 DECEMBER 1999

Date of mailing of the international search report

13 JAN 2000

Name and mailing address of the ISA/US
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INTERNATIONAL SEARCH REPORT

International application No.
PCT/US99/23781

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5,412,416 A (NEMIROFSKY) 02 May 1995, entire document.	1-16
A	US 5,319,455 A (HOARTY et al) 07 June 1994, entire document.	1-16